

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GREGORY MILTON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:17cv278-WKW
)	(WO)
FEDERAL BUREAU OF PRISONS,)	
)	
Defendant.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

On May 4, 2017, this court entered an order (Doc. 2) directing Plaintiff to file by May 18, 2017, either the \$400.00 filing/administrative fees or an affidavit in support of a motion for leave to proceed *in forma pauperis* accompanied by relevant financial information from the inmate account clerk.¹ In its order, the court specifically cautioned Plaintiff that his failure to comply with the order would result in a recommendation that the case be dismissed. Doc. 2 at 2.

The requisite time has passed, and Plaintiff has failed to submit either the filing/administrative fees or an affidavit in support of a motion for leave to proceed *in forma pauperis* with relevant financial information in compliance with this court's orders. The court therefore concludes that dismissal is appropriate. *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (as a general rule, where a litigant has been forewarned, dismissal for failure to obey a court order is not an abuse of discretion.).

¹ Plaintiff is an inmate at United States Penitentiary ("USP"), Atlanta in Atlanta, Georgia.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be DISMISSED without prejudice for Plaintiff's failure to comply with the court's orders.

It is further

ORDERED that the parties shall file any objections to this Recommendation or before June 29, 2017. A party must specifically identify the factual findings and legal conclusions in the Recommendation to which objection is made; frivolous, conclusive, or general objections will not be considered. Failure to file written objections to the Magistrate Judge's findings and recommendations in accordance with the provisions of 28 U.S.C. § 636(b)(1) will bar a party from a *de novo* determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of the party to challenge on appeal the District Court's order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11th Cir. R. 3-1. *See Stein v. Lanning Sec., Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc).

DONE on this 15th day of June, 2017.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE